

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRANCIS E. DYBES,)	
Plaintiff,)	
)	
v.)	C.A. No. 04-10076-MLW
)	
DELTA ELEVATOR SERVICES)	
CORP.,)	
Defendant.)	

ORDER

WOLF, D.J.

August 30, 2004

The hearing on the motion to dismiss is hereby RESCHEDULED for September 14, 2004, at 3:00 p.m.

The parties shall, by September 10, 2004, file supplemental memoranda addressing whether the court has subject matter jurisdiction in this case under the well-pleaded complaint rule if the court finds that plaintiff's cause of action is not preempted. See Penobscot Nation v. Georgia-Pacific Corp., 254 F.3d 317, 321 (1st Cir. 2001).

/s/ MARK L. WOLF
UNITED STATES DISTRICT JUDGE